

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR358
)	
v.)	
)	
JEROME DANIELS,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion for release pending appeal pursuant to 18 U.S.C. §§ 3143(b) and 3145(c) (Filing No. 59). On October 18, 2004, following trial to a jury, the defendant was found guilty of a conspiracy to distribute more than 50 grams of a mixture or substance containing cocaine base. Pursuant to 21 U.S.C. § 841(b), this conviction carried a term of imprisonment of not less than ten years nor more than life.

The defendant recognizes that his offense must not be one of those included in 18 U.S.C. § 3142(f). However, he erroneously concludes that this offense is not specified in § 3142(f)(1)(A)(B)(C). Section 3142(f)(1)(C) references an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act. The crime of which the defendant has been convicted carries a maximum term of life imprisonment and, therefore, is included in this section

of the statutes. For this reason, his motion for release pending appeal will be denied. Accordingly,

IT IS ORDERED that defendant's motion for release pending appeal is denied.

DATED this 30th day of August, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court